

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1006

FINAL READING

Introduced by Brashear, 4; Baker, 44; Combs, 32; Cudaback, 36;
Cunningham, 40; Flood, 19; Friend, 10; Johnson, 37;
Kremer, 34; McDonald, 41; Pahls, 31; Dw. Pedersen,
39; Schrock, 38; Bourne, 8

Read first time January 10, 2006

Committee: Rereferred to Education Committee

A BILL

1 FOR AN ACT relating to educational lands and funds; to provide
2 for submission to the electors of an amendment to
3 the Constitution of Nebraska by amending Article VII,
4 sections 7, 8, and 9, to permit the use of funds
5 dedicated to the schools for common school and early
6 childhood educational purposes; and to provide for the
7 time and manner of submission and the ballot language for
8 submission.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. At the general election in November 2006 the
2 following proposed amendment to the Constitution of Nebraska shall
3 be submitted to the electors of the State of Nebraska for approval
4 or rejection:

5 To amend Article VII, sections 7, 8, and 9:

6 VII-7 The following are hereby declared to be perpetual
7 funds for common school purposes, including early childhood
8 educational purposes operated by or distributed through the common
9 schools, of which the annual interest or income only can be
10 appropriated, to wit:

11 First. Such ~~per cent~~ percent as has been, or may
12 hereafter be, granted by Congress on the sale of lands in this
13 state.

14 Second. All money arising from the sale or leasing of
15 sections number sixteen and thirty-six in each township in this
16 state, and the lands selected, or that may be selected, in lieu
17 thereof.

18 Third. The proceeds of all lands that have been, or
19 may hereafter be, granted to this state, where by the terms
20 and conditions of such grant the same are not to be otherwise
21 appropriated.

22 Fourth. The net proceeds of lands and other property and
23 effects that may come to this state, by escheat or forfeiture, or
24 from unclaimed dividends, or distributive shares of the estates of
25 deceased persons.

1 Fifth. All other property of any kind now belonging to
2 the perpetual fund.

3 VII-8 All funds belonging to the state for common
4 school educational purposes, including early childhood educational
5 purposes operated by or distributed through the common schools, the
6 interest and income whereof only are to be used, shall be deemed
7 trust funds. Such funds with the interest and income thereof are
8 hereby solemnly pledged to the purposes for which they are granted
9 and set apart and shall not be transferred to any other fund
10 for other uses. The state shall supply any net aggregate losses
11 thereof realized at the close of each calendar year that may in
12 any manner accrue. Notwithstanding any other provisions in ~~the~~ this
13 Constitution, such funds shall be invested as the Legislature may
14 by statute provide.

15 VII-9 (1) The following funds shall be exclusively used
16 for the support and maintenance of the common schools in each
17 school district in the state or for early childhood education
18 operated by or distributed through the common schools as provided
19 in subsection (3) of this section, as the Legislature shall
20 provide:

21 a- (a) Income arising from the perpetual funds;

22 b- (b) The income from the unsold school lands, except
23 that costs of administration shall be deducted from the income
24 before it is so applied;

25 e- (c) All other grants, gifts, and devises that have

1 been or may hereafter be made to the state which are not otherwise
2 appropriated by the terms of the grant, gift, or devise; and

3 ~~d-~~ (d) Such other support as the Legislature may provide.

4 (2) No distribution or appropriation shall be made to any
5 school district for the year in which school is not maintained for
6 the minimum term required by law.

7 (3) (a) An early childhood education endowment fund shall
8 be created for the purpose of supporting early childhood education
9 in this state as provided by the Legislature.

10 (b) An amount equal to forty million dollars of the
11 funds belonging to the state for common school and early childhood
12 educational purposes operated by or distributed through the common
13 schools described in Article VII, section 7, of this Constitution
14 shall be allocated for the early childhood education endowment
15 fund.

16 (c) Only interest or income on such early childhood
17 education endowment fund may be appropriated as provided by the
18 Legislature for the benefit of the common schools and for the
19 exclusive purpose of supporting early childhood education in this
20 state.

21 (d) For purposes of Article VII of this Constitution,
22 early childhood education means programs operated by or distributed
23 through the common schools promoting development and learning for
24 children from birth to kindergarten-entrance age.

25 (e) If the annual income from twenty million dollars of

1 private funding is not irrevocably committed by July 1, 2011, to
2 the use of the early childhood education endowment fund, then the
3 forty-million-dollar allocation pursuant to subdivision (3)(b) of
4 this section may revert to the use of the common schools as the
5 Legislature shall determine.

6 Sec. 2. The proposed amendment shall be submitted to the
7 electors in the manner prescribed by the Constitution of Nebraska,
8 Article XVI, section 1, with the following ballot language:

9 A constitutional amendment to permit use of funds
10 dedicated to the common schools for early childhood educational
11 purposes.

12 For

13 Against.